

REMARKS

Claims 1-37 were presented for examination and were rejected. Applicants are hereby amending claims 1-4, 10-16, and 37. Support for all amendments is found in the application as originally filed. Reconsideration of this application as amended, and allowance of all claims herein, claims 1-37 as amended, are hereby respectfully requested.

In his thirteenth paragraph, the Examiner rejected claims 1-36 under 35 U.S.C. §101.

Applicants traverse this rejection. The Examiner asserted that claims 1-36 are “merely claimed as a computer program representing a computer listing per se”. Said statement is not factually correct, in that claims 1-36 are all apparatus and system claims.

For the above reasons, the Examiner is requested to withdraw his rejection of claims 1-36; and to allow these claims as amended.

In his sixteenth paragraph, the Examiner rejected claims 1-16, 23-25, 28, 29, and 31-34 under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements. Applicants do not fully understand the Examiner’s rejection, due to inconsistencies contained therein. For example, the Examiner said: “The omitted structural cooperative relationships are: the filter, the Internet server application and the filter engine”. In other words, the Examiner referred to the filter, the Internet server application, and the filter engine as “relationships”. However, the filter, the Internet server application, and the filter engine are items, not relationships. Furthermore, the Examiner went on to assert that Applicants have failed “to provide any tangible embodiments of the filter, the Internet server application, and the filter engine”. “Embodiments” is a different concept than “relationships”.

To the extent that Applicants understand the Examiner's rejection, they are hereby amending claims 1-4 and 10-16 to more fully recite relationships among the recited items, and to more particularly point out novel aspects of their invention.

For the above reasons, the Examiner is requested to withdraw his rejection of claims 1-16, 23-25, 28, 29, and 31-34; and to allow these claims as amended.

In his eighteenth paragraph, the Examiner rejected claim 37 under 35 U.S.C. §102(e) as being anticipated by U.S. patent 6,675,153 to Cook. Applicants are hereby amending claim 37 to more particularly highlight novel aspects of their invention.

As amended, claim 37 is patentably distinct over Cook for, inter alia, the following reasons:

In the body of the eighteenth paragraph rejection itself, the Examiner did not identify which item in Cook he considers to be Applicants' recited "Web application coupled to the Web server and also located at the seller's Web site". However, in his fourth paragraph, the Examiner implied that he considers Cook's ZAPI 116 to be such item. However, ZAPI 116 fails to suggest the recitation: "identify those HTTP requests from a buyer that include data requiring a digital signature of the buyer". The passage at Cook (column 5, lines 11-31) cited by the Examiner teaches away from this recitation, because column 5 lines 29-31 states that the merchant, not the buyer, is digitally signing something.

Furthermore, the Web application recited in claim 37 is specifically adapted to "identify those HTTP requests from a buyer that include data requiring a digital signature of the buyer".

“Identify” implies decision-making (between those requests that require digital signatures and those that do not). Cook’s ZAPI 116 does not engage in any such decision making.

Claim 31 specifically recites “HTTP requests”. Neither “HTTP” nor “HTTP requests” are mentioned in Cook.

Claim 37 recites that Applicants’ Web application is adapted to “create a Web page”. There is no suggestion that Cook’s ZAPI 116 creates any Web pages.

Cook does not suggest the “signing interface” invoked by buyer’s browser that is recited in claim 37. This signing interface enables the buyer to digitally sign the data. The passage at column 6, lines 20-23 of Cook states: “Member 10 [presumably meaning member 110]...generates a digital signature.” However, this digital signature is made in response to aliases being returned to member 110 from secure data center 102, not from ZAPI 116. Column 5, lines 46-49. Secure data center 102 cannot be the “Web application” of claim 37, because secure data center 102 is a single centralized center that is located separate and apart from the Web site of any particular merchant 106, while claim 37 requires that the Web application be located at the seller’s Web site.

Claim 37 further recites that the Web application is adapted to “identify those HTTP requests that require a service provided by an entity other than the seller”. Again, “identify” implies decision-making, which is absent in Cook. Furthermore, the passage cited by the Examiner as support for this recitation, namely Cook column 11 line 60 through column 12 line 40, teaches away from the present invention, because the processing described at that passage of Cook is performed at centralized secure data center 102, not at the seller’s Web site as required by claim 37.

Claim 37 further recites: “coupled to the Web application and also located at the seller’s Web site, an interface module adapted to receive requests for service from the Web application, format and transmit the requests, receive responses to the requests, and forward the responses to the Web application”. The Examiner cited Cook column 4 lines 56-64 and column 9 line 23 through column 10 line 8 for this recitation. However, both of these passages of Cook describe processing that is performed by centralized secure data center 102, which is not at the seller’s Web site as required by claim 37.

Thus, Cook utterly fails to suggest any of the important recitations of claim 37.

For the above reasons, the Examiner is requested to withdraw his rejection of claim 37; and to allow claim 37 as amended.

In his twentieth paragraph, the Examiner rejected claims 1-3, 5-9, 20, 21, 23-25, 28, 29, and 31-34 under 35 U.S.C. §103(a) as being unpatentable over SET as taught by U.S. patent 6,327,578 to Linehan, in view of U.S. patent 5,717,989 to Tozzoli.

First of all, it should be noted that the rejection of claims 20 and 21 cannot stand, because these claims depend upon claim 17. The only rejection of claim 17 was the rejection under 35 U.S.C. §101 made in the Examiner’s thirteenth paragraph. As discussed above, said rejection is inapposite.

Secondly, it should be noted that the rejection of claim 31 required application of Linehan and not just SET. Therefore, the rejection of claim 31 should not have been part of the Examiner’s twentieth paragraph rejection, but perhaps part of the Examiner’s forty-eighth paragraph rejection.

Claim 1 is the only independent claim in the rejected set of claims. Claim 1 recites “a buyer computer having a Web browser adapted to invoke a signing interface to digitally sign electronic messages”. This recitation is not suggested in SET or Tozzoli. Neither SET nor Tozzoli contemplates the buyer digitally signing anything. Therefore, SET and Tozzoli, whether taken alone or in combination, do not suggest the recitations of claim 1 that pertain to the buyer computer affixing a digital signature.

Furthermore, in SET and Tozzoli, key components are separate and apart from the seller’s Web site. For example, SET’s acquirer gateway 106, which is featured so prominently in the Examiner’s rejection, is separate and apart from the merchant (seller) computer 104. Claim 1, on the other hand, recites that all of the key components (the filter, the Internet server application, and the filter engine) are part of the seller’s Web site.

Furthermore, SET’s acquirer gateway 106 does not identify an HTTP request that contains data requiring a digital signature by the buyer computer, as required by Applicants’ claim 1. “Identifying” implies decision-making. SET’s acquirer gateway 106 is a passive element that does not make any decisions.

The Examiner cited Tozzoli for claim 1’s recitation of filtering. But, the tasks performed by Tozzoli’s filtering operation are performed by Tozzoli’s “system.” Column 11 lines 52-58; Figure 2A. The filtering is not performed at a seller Web site, as required by claim 1. Tozzoli’s Figure 4 clearly shows that his system (“trade system”) is separate and distinct from his seller. Claim 1, on the other hand recites that the filter and the filter engine are both part of the seller’s Web site.

Applicants traverse the Examiner's statement that "Tozzoli discusses the use of filtering when processing transactions over the Internet". Tozzoli does not mention the Internet even once in his patent. Therefore, Tozzoli does not suggest the "Web site", "Web browser", or "HTTP" recited in claim 1.

For the above reasons, SET and Tozzoli, whether taken alone or in combination, do not suggest many of the recitations of claim 1.

All the other claims in the rejected set (except for claims 20 and 21, which have already been discussed above) depend upon claim 1. Therefore, their patentability flows from the patentability of claim 1.

Further with respect to dependent claim 2, neither reference suggests anything "adapted to identify HTTP requests that require accessing a service offered by the seller's bank and to formulate a request for service".

Further with respect to dependent claim 5, Applicants traverse the Examiner's assertion that "Tozzoli teaches a Web server adapted to parse requests redirected by the filter". There is no indication that Tozzoli's processors 20 are Web servers as recited in claim 5. Tozzoli does not mention the Internet or the Web in his patent at all.

Further with respect to dependent claim 8, while the Examiner has now produced a reference that states that ISAPI is an "easy-to-use high-performance interface for back-end applications" (the Microsoft Computer Dictionary, which should have been recited in the preamble to the rejection), there is no suggestion in the reference as to what a "back-end application" is, nor whether that term includes the filter that is recited in claim 8.

Further with respect to the rejection of dependent claims 23 and 24, there is no suggestion of a buyer digital signature in SET. The only thing about the buyer that is checked in SET is whether the buyer's ("consumer's") credit or debit card account is active and sufficient for the proposed transaction with the merchant. Linehan, column 3 lines 27-29.

Further with respect to dependent claim 25, neither SET nor Tozzoli suggests the "special tag" that is recited in claim 25.

Further with respect to dependent claim 28, neither SET nor Tozzoli suggests the "abstracted front end interface via an object oriented computer programming language remote method invocation" recited in claim 28.

Further with respect to dependent claim 31, the Examiner cited Linehan column 9 lines 3-28 for claim 31's recitation of "plug-in based architecture". However, this passage of Linehan does not suggest a plug-in architecture. Furthermore, this passage teaches away from the buyer digital signatures that are recited in Applicants' claims. Linehan column 9 line 11-12; column 9 lines 24-26.

Further with respect to dependent claim 32, the references, whether taken alone or in combination, do not suggest the recitation of "communication via a plurality of middleware technologies".

Further with respect to dependent claim 33, Applicants traverse the Examiner's assertion that SET teaches a bank interface adapted to create and transmit OCSP requests. There is no mention of OCSP requests in the cited passage (Linehan column 3 lines 25-47).

For the above reasons, Applicants request the withdrawal of the rejection of claims 1-3, 5-9, 20, 21, 23-25, 28, 29, and 31-34; and the allowance of these claims as amended.

In his forty-eighth paragraph, the Examiner rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over SET in view of Tozzoli and further in view of Linehan.

First of all, claim 4 is a dependent claim, depending indirectly upon claim 1, which, as discussed above, is patentable.

Furthermore, Linehan discloses certificate validation of merchant certificates, acquirer certificates, and issuer certificates, but not the buyer certificates that are recited in claim 4. Linehan column 4 lines 24-44.

For the above reasons, the Examiner is requested to withdraw his rejection of claim 4; and to allow claim 4 as amended.

In his fifty-first paragraph, the Examiner rejected claims 10-16 under 35 U.S.C. §103(a) as being unpatentable over SET in view of Tozzoli and further in view of Lin.

Applicants are hereby amending claims 10-16 to more particularly highlight novel aspects of their invention.

Claims 10-16 are dependent claims depending upon claim 1, which, as discussed above, is patentable. Therefore, it follows that claims 10-16 are patentable as well.

While Lin shows the use of a hash table, the purpose of Lin's hash table is different than the purpose of the hash table in Applicants' claims 10-16. Lin's hash table is used by an intermediate-tier server, not a server at a seller Web site, to authenticate a client that is

attempting to gain access to a remote data repository. See Lin's Abstract; column 5 lines 14-15; and column 6 lines 60-62. In the present invention, on the other hand, the hash table is sent by an Internet server application located at a seller's Web site to a filter engine, also located at the seller's Web site, in order to help the filter engine identify those HTTP requests that contain data requiring a digital signature by the buyer computer, as recited in claim 1. There is no suggestion in Lin of a seller, a buyer, an Internet server application, or a filter engine, all of which are prominently recited in Applicants' claims. Therefore, Lin is a remote reference, and there would be no motivation for a skilled artisan to combine Lin with the other cited references.

For the above reasons, the Examiner is requested to withdraw his rejection of claims 10-16; and to allow these claims as amended.

Applicants believe that this application is now in condition for allowance of all claims herein, claims 1-37 as amended, and therefore an early Notice of Allowance is respectfully requested. If the Examiner disagrees or believes that, for any other reason, direct contact with Applicants' attorney would help advance the prosecution of this case to finality, he is invited to telephone the undersigned at the number given below.

Respectfully submitted,

date of signature:

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